

1887-009 Chancery Causes: John Cornett vs. Solomon Wyrick & Lee Co.

Lovel, Kimberling, Fields, Fannan, Herd, Humphreys, Lawson,
Wyerick, Lovell, Singleton, Orr

CA-Contract Dispute
T-Property

To the Honorable John A. Kelley, Judge
of the Circuit Court of Lee County, Va:
Humbly Complaining, sheweth unto your
honor, your orator John Cornett. That
one Solomon Wyerick was, and some
time before the year 18, was seized of
or entitled to a good fee simple estate
in and to certain land lying in the
County of Lee, in Yorkum Station Mag-
isterial District, on the South side of
Hollers ridge, joining the land of
John B. Pennington, Tankersley
& others, containing 50 acres, a
more particular description of which
will be here filed in due time
marked "A" And the said
Wyerick being so seized or entitled,
and being desirous to sell the same,
did do so in the year 18, and
Samuel Singleton became the
purchaser of him at the price of

every dollar of which the
said Singleton paid to the said
Wyerick, but the said Wyerick
left this Country suddenly and
did not execute to Singleton a
deed therefor, but did give possession
of the land. Afterwards, to-wit:
on the day of 18th, the
said Humphrey Singleton sold the
said land to James M. Humphreys
and placed him in possession of
the same and bound himself
to make a deed thereunto when
he could procure a title thereunto
having received the purchase money.
Solomon Wyerick. In this state
of case the matter rested till
the said Humphrey Singleton
died, leaving as his children
and heirs at Law, Jefferson
Lovell, and Lavinia, his wife,
Hiram Rinkering and Malissa,

his wife, John Fields and,
Emaline, his wife, James Fannon
and Aba, his wife, and Nellie
Herd, formerly Dingleton. Your
orator further states that the said
Thompson sold said land to one
James W. Lawson, father in law,
of your orator, on the 19th day
of April, 1878, at the price of \$71.32,
and bound himself to convey the
same. And lastly your orator
stated that the said James W.
Lawson has sold said land
to your orator, lately, for the
like sum of \$71.32 Cash.
Owing to the fact that the said
Weyrick is a non-resident,
and his residents not known,
good title can not be had to
said land without the
aid of a court of equity.

Therefore the prayer of your Orator
is, That your honor take jurisdiction
of this Cause and grant him
general relief and to this end
That the following persons be
made defendants to this bill and
that they be required to answer
the same fully upon oath, To-wit:
Solomon Weyrick, Jefferson Louell
and Lavina Louell, his wife, Hiram
Kimberling and Malissa, his wife,
John Fields and Emeline, his wife,
James Lammers, and Aba, his wife,
and Nellie Herb, formerly
Singhlois, and James M. Humphreys
and James W. Lawson; Your
orator further prays that he be decreed
title to said land; that one of
the commissioners of your honor
Court be directed to execute a
and, to your orator for the same

with Comanants & Special
Comanants; May process issues
in duty. bound your
orator will ever remain.

Wm A. Draper
P. J. J.

C 10.12
 S 5.00
 P 5.00
 14 15.00
 Estimate 1.50

\$36.62

\$5.06 to Dis-
 mission

John Cornell *Met. M.*
 as } Bill Lohy
 Solomon Myrick et al

1883 Feb 3rd Bill filed
 and Order Publication
 on home debt
 Mr. Spr. Bidg. & Co.
 to home debt & could
 Apr. O. P. Compt. & O. M. W. P.
 and closed set for
 hearing by J. J.

1883. Mr. Aug. & Wm. Court
 1884. Mr. Aug. & Wm. Court
 1885. Mr. Aug. & Wm. Court
 1886. Mr. Decree & Co. T. d.
 1887. Aug. & Wm. Court

1887 March Decree
 Final
 O. B. 18

John Cornell

John Cornett - Plff
against } Ld Chancery
Solomon Wyrick et al Dfts

This cause
came on this day, to be again heard
upon the papers formerly read in this
cause, and, the Report of Com^r. Orr,
a Special Commissioner, appointed by
a decree of this court to make
and execute to John Cornett a deed
for the land in this cause ~~fully~~
~~described~~ ~~that the~~ ~~said~~ Special
~~reported that he has~~ Commissioner having executed
said deed, ~~made~~ and filed
his Report ^{though having been filed} more than ten days
before the beginning of the
~~the same being accepted to said report is confirmed~~
present term of this court,
the cause is stricken from
the docket.

John Cornett

vs } de cru final

S. Weyrick et al

Entered page 18

Enter

29 March 1887

H. S. K. M.

John Cornett - Plff.
vs
J. L. Chy.

Salomon Logrick et al. Defs.

This cause came
on this day to be heard upon
the Bill and depositions of John
Cornett, and it appearing to
the Court that process has been
executed upon the home
defendants, and that Order
of Publication has been
completed against the non-
resident defendants; Upon
consideration of which, the
Court doth adjudge order
and decree that John
Cornett is entitled to a
conveyance of the land
in the Bill mentioned, and
that Com. F. Dm., who is hereby
appointed a Special Commissioner
for the purpose, do convey the
said land with covenants
of Special Warranty, to John
Cornett, when he has paid
the usual costs and fees
for making such deeds
of conveyance, and report
his action to Court & the cause

John Leonard

v. s. of Secm for Dues

Salomon Cognick
at at

Continued Page 471

G. R. Gibson L.R.

Continued.

Enter

in A.K.

March 25/86

deposition

The deposition of John Cornett, taken before me at my house in Lee County, State of Virginia, I being a Justice of the Peace in and for said county, and State, on this the 13th day of February, 1886. This deposition is taken pursuant to an Order of Publication made and completed in the cause in which it is intended to be read; and when the said deposition is fully taken the same is intended to be read as testimony in behalf of the plaintiff in a certain Chancery cause of John Cornett, Pff. against Solomon Weyerick & others, defts., now pending in the Circuit Court of Lee County, Virginia.

John Cornett, a witness of lawful age, being duly sworn deposes and says: —

Depd.

I was present at the time when Solomon Weyerick sold the land in the bill mentioned to Lemmy Singletor, and I know that Lemmy Singletor fully paid Solomon Weyerick for the same, and that Solomon Weyerick recently left the country without making a deed for the

the same.

I further know that Lempsy Dighten sold said land to James Humphreys by verbal contract, and James Humphreys not being able to pay for said land, sold and turned over his bargain to James Lawson, my father-in-law, who sold to me his right, title and interest in said land.

I paid Lempsy Dighten such money as James Lawson did not pay to him for said land.

I know that the land is fully paid for to all parties, and that it has changed possession at each sale made thereof, & being in possession at the present.

And further this deponent sayseth not.

his
John + Leonard
mark

Virginia, Lee County:

L. F. B. Loy a Justice
of the Peace in and for Lee
County, Virginia, do certify that

The foregoing deposition of John
Consett was duly taken, subscribed
and sworn to before me,
in my County and State, to be
used for the purposes named
in the caption. This February
13th 1886.

Franklin B. Cox, J. P.

John Cornett

as } Depd -

Salomon Luyck

John Cornett
Depd -

John Corbett)
vs) In Chancery
Solomon Hyrick et al. vs)

J. Wm. A. Orr, do hereby
certify that the defendants, Solomon
Hyrick and Kelley, ^{and James M. Humphreys} named above
in the above styled suit are non-
residents of this State, as I am in-
formed and believe Simon and
Mayland this 3rd day of February 1883.

J. Wm. A. Orr
Subscribed and sworn to before me
on this 3rd day of February 1883.
J. A. Little, J. H. Little

John Carnett

vs. Affidavit

Salomon Myrick et al

John Cornutt. plff }
vs }
Solomon Weyrich, et al. dft.

To the Hon. John A. Kelly, Judge of the
Circuit Court of Lee County, Va: -

Your undersigned commissioner
has been to Report that pursuant to
your honor's decree at the last term
of the circuit court for Lee County,
he has made and executed a deed
to John Cornutt.

Respectfully Submitted &c
Wm. J. Dwyer

Special Commissioner.

Virginia

At Rules held in the Clerk's office
of the Circuit Court for the County of Loudoun
on the 6th day of February 1883

John Burnett vs. J. H. Spotts

No.

In Chancery

Salomon Hyman et al. vs. J. H. Spotts

The object of this suit is to
affirm the title given to the land in
the bill and proceedings mentioned;
and it appearing from an affidavit
filed in the cause that Salomon Hyman
et al. & John Burnett & Spotts in the above
stated suit are now residents of this
State: It is therefore ordered that
they appear here within one month
after the publication of this order to do
what may be necessary to protect
their interest in this suit.

At Test

John F. Carr, P. Q.

J. H. Spotts, Secy.

John Corbett
2nd Pub.
Solomon Hyattatt

I certify that I posted
a copy of the within
at the Feb. Term
of the County Court
at the front door of
the Court house &
delivered a like copy
to the Sec. County
Signature of J. Hyattatt
Location Given
under my hand this
14th March 1883
J. Hyattatt
Clerk

The Commonwealth of Virginia,

To the Sheriff of Lee County . . . Greeting:

We Command you to Summon

*Salomon Weyrick, Jefferson Louel &
Lavinia Louel his wife, Hiram Kimberling & Malissa
his wife, John Fields & Emaline his wife, James Harmon
and Elba his wife, Nellie Herd, James M. Humphreys
and James W. Lawson*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

March

next, being rule day to answer a bill in Chancery, exhibited in our said Court against

them by

John Barnett

This
And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House
this *24th* day of *February* 188*3*; in the *10th* year of the Commonwealth.

J. A. G. Hyatt CLERK.

Wm. A. Orr

John Corbett

vs. Spain Chy

Salomon Myrick et al

To March Rules 1883.

Executed. by delivering
copies of the within

to each of the defendants
numbered as figures above.

March 4th 1883.

F. Miles D.S.

And have then there this with witness JOHN A. G. LYATT Clerk of our said Court at the Court House
this day of 1883 in the

CLERK

Publisher's Certificate.

Jonesville, Va., March 28th, 1883.

I. F. R. STICKLEY, Publisher of the LEE COUNTY SENTINEL, a weekly newspaper published at Jonesville, Lee County, Virginia, do certify that the annexed Chancery Order was published four successive weeks in said newspaper, publication ending March 9, 1883.

I. F. R. Stickley, Publisher.

Publisher's Fee \$ 5.00

VIRGINIA—At Rules held at the Clerk's office of the Circuit Court for Lee county on the 6th day of February, 1883.

John Cornett, Plaintiff, vs. Solomon Wyrick et al., Defts.

IN CHANCERY.

The object of this suit is to extract title to the land in the bill and proceedings mentioned; and it appearing from an affidavit filed in the cause that Solomon Wyrick and Nelly Herd, defendants in the above styled suit, are non-residents of this State: It is therefore ordered that they appear here within one month after due publication of this order to do what may be necessary to protect their interest in this suit. A copy—test:

J. A. G. HYATT, Clerk,

WM. A. ORR, P. Q.

fb9,4

John Barnett
vs } Pub certificate
of Publication
Solomon Wypiesz
et al

Price - - \$5.00